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10/064,163	06/17/2002	Douglas C. Peters	2-5550-004	6864

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EXAMINER

NEILS, PEGGY A

ART UNIT PAPER NUMBER

2875

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/064,163

Applicant(s)

PETERS, DOUGLAS C.

Examiner

Peggy A. Neils

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,8 and 9 is/are rejected.
- 7) ☒ Claim(s) 3-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The disclosure is objected to because of the following informalities: On page 4, element 23 is disclosed as a lateral groove. In the last paragraph on this page Applicant also identifies this element as a slot and then later refers to it as the groove. The specification should be amended to identify all components of the groove, i.e. 23a as part of the groove and the corresponding language in Claims 4, 5 and 7 should be amended also regarding the limitations of the groove.

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hance in view of either of Fabrey or Willman.

Hance shows a lamp apparatus having a shade 3 with an opening 8 and a projection 7 extending into the opening. A socket 17 is received in the area of the shade and an adjusting member 15 having a passageway which would receive the electrical connection (not shown) of the lamp. The adjusting member shows a plurality of slots 11, 12 for positioning the location of the lamp relative to the shade. The slots are oriented longitudinally of the adjusting member. Hance also shows means 1 for attaching the shade to a point above the shade. Both Fabrey and Willman teach that it

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is known in to have an adjustable lamp mechanism which includes a longitudinal vertical slot with lateral grooves for engaging a projection to position a lamp relative to a shade. Willman also shows the electrical cord of the lamp extending through the adjusting member. It would have been obvious to one skilled in the art that there are many ways to engage a projection to position it in place on a lamp shade. To modify Hance to include the arrangement of either of Fabrey or Willman and have a longitudinal slot with lateral grooves and also have the cord extend through the adjusting mechanism would be obvious as all the references are directed to similarly structured lamp devices.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hance, Fabrey and Willman as applied to claim 8 above, and further in view of Karton. Hance shows a flared structure 1 for securing the lamp to a ceiling. Karton teaches that it is known in the art to secure a lamp device by a wire which is attached to a wire, line or chain above the area of the shade. It would be obvious to one skilled in the art that Hance could be modified to suspend the lamp by a wire in the same manner as taught by Karton because both references are directed to similarly structured lamps.

***Allowable Subject Matter***

Claims 3-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Claim 3 is considered to have allowable subject matter because the claim sets

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forth that the lateral grooves include a downwardly extending portion spaced from the slot to permit the projection to drop in the slot. This combination of limitations was not shown or suggested by the prior art.

Claims 4-7 are considered to be allowable over the prior art because Claim 4 sets forth that the groove has a smaller portion than the portion of the projection passing from the slot into the groove and this limitation was not shown or suggested by the prior art.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ureles, Paiste and Saaf are cited of interest for showing various adjustable lamp supports.

Any questions regarding this Office action should be directed to Examiner Neils at (703) 308-6554.

  
**Y. MY QUACH-LEE**  
**PRIMARY EXAMINER**